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SEP 27 1952

No. 250

IN THE

Supreme Court of the United States

OCTOBER TERM, 1952

THE UNITED STATES OF AMERICA, *Petitioner,*

v.

CORA PRESSON PARTRIDGE, Executrix of the Estate of George McL. Presson

---

On Petition for a Writ of Certiorari to The United States Court of Claims

---

BRIEF FOR RESPONDENT IN OPPOSITION

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Opinion Below

The opinion of the Court of Claims (R. 14-21) is not reported.

Jurisdiction

The jurisdiction of this Court is as stated in the Petition (pp. 1-2).

Question Presented and Statutes Involved

The question presented and the statutes involved here are as stated in respondent's brief in opposition to the petition for a writ of certiorari in *United States* v. *Price*, No. 248, this Term.

Statement

The original plaintiff in this suit in the court below was George McL. Presson, a brigadier general of the Maine National Guard who died in his 86th year while this suit was pending. Upon the suggestion of his death and on motion therefor Cora Presson Partridge, the executrix, was substituted as plaintiff (R .14). It was stipulated in the Court of Claims that this case should be governed by the decision in the case of *William G. Price, Jr.*, and on April 15, 1952, judgment was entered in favor of respondent for $2,474.97 (R. 25). The facts and law upon which the judgment rests generally correspond to those in the *Price* case, now pending before this Court upon petition for writ of certiorari, No. 248, this Term.

Reasons for Opposing the Granting of the Writ

The reasons for opposing the writ in the *Price* case are essentially those made by the respondent in this case. We respectfully ask that they be adopted in this case.

Conclusion

It is respectfully submitted for the reasons set forth in opposition to the writ in the *Price* case, the petition for the writ of certiorari in this case should not be granted.

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September 27, 1952.